

PATENT APPLICATIONS (w) 115



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)
 KLUG)
 Serial No.: 07/975,905)
 Filed: November 12, 1992)
 Atty. File No.: 2355-1-1)
 For: "REMOTE MULTIPLE-USER)
 EDITING SYSTEM AND)
 METHOD")
 Honorable Commissioner of
 Patents and Trademarks
 Washington, D.C. 20231

Group Art Unit: 2307

Examiner: P. Wang

AFFIDAVIT OF JOHN KLUG UNDER
37 C.F.R. §1.132

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
 DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
 FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO
 COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON
 DC 20231 ON THIS 18 DAY OF Aug, 1993.

SHERIDAN, ROSS & MCINTOSH

By: Jeanne Mense

Dear Sir:

I, John Klug, declare as follows:

I am the sole inventor of the above-referenced patent application.

I have read and understand the above-identified patent application, including the pending claims, a copy of which claims is attached hereto as Exhibit 1.

I have obtained and used a product marketed by Group Technologies, Inc. under the name of Aspects. I believe that the Aspects product is covered by one or more of the pending claims of the above-identified patent application.

I have read the following articles attached hereto as Exhibit 2 and I am familiar with the subject matter thereof:

1. "Plugging the Gap Between E-Mail and Video Conferencing", The New York Times, June 23, 1991.

2. "A Whole New PC Aspect", USA Today, October 21, 1991.
3. "Mac Applications Prove Windows is No Substitute for the Real Thing", INFOWORLD, August 6, 1990, p. 98.
4. "Groupware Grows Up" MacUser, June 1991, pp. 207-211.

It is my opinion that the need addressed by and the commercial success of the Aspect product as described or referred to in the above-identified articles are due, at least in part, to features in the Aspect product which are covered by one or more of the pending claims of the above-identified patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1.001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Dated this 18 day of August, 1993.

By: John Klug
John Klug

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Subscribed and sworn before me this 18th day of August, 1993.
Samie B. Clifton, Notary Public



EXHIBIT 1

PENDING CLAIMS

1. A computer file editing system for a plurality of users at different remote locations, comprising:

a plurality of personal computers, one for each of the users, at least one of said personal computers being designated host computer for given file editing operations and having multi-tasking processing means for coordinating the execution of said file editing operations comprising edits, which comprise less than an entire file, by at least the user of one of said personal computers, and for coordinating the transfer of data corresponding with and limited to said file editing operations from said host computer to the remaining ones of said plurality of personal computers whereby said file editing operations and said corresponding limited data transfer are performed in a predetermined manner by said host computer; and

interconnecting means for electrically interconnecting said host computer with said remaining ones of said plurality of personal computers to permit transmission of electrical signals corresponding with said file editing operations therebetween;

wherein, subject to practical system limitations, said file editing operations and said corresponding limited data transfer occur on a substantially real-time basis to permit said plurality of users at said different remote locations to review edits made to a file substantially contemporaneously with the execution of said file editing operations.

2. A computer file editing system according to Claim 1, further comprising:

at least two voice communication means for transmitting audio signals representative of any user's voice to each other user.

3. A computer file editing system according to Claim 1, wherein said interconnecting means is a non-dedicated digital communications system for transferring said data digitally between said host computer and said remaining ones of said plurality of personal computers.

4. A computer file editing system according to Claim 2, wherein said interconnecting means is a non-dedicated digital network which comprises said voice communication means and means for contemporaneously transferring said data between said host computer and said remaining ones of said plurality of personal computers and transmitting said audio signals among the users.

5. A computer file editing system according to Claim 1, wherein said interconnecting means comprises a plurality of modems, each having digital-to-analog conversion means and analog-to-digital conversion means and each electrically interconnected between one of said personal computers and an analog communications network, said analog communications network operable for transferring said data between at least two of said personal computers; and

wherein each of said personal computers includes data compression/decompression means for compressing said data to be transferred before said data is sent over the analog communications

network and for decompressing said data when received from the analog communications network.

6. A computer file editing system according to Claim 1, wherein said interconnecting means is an integrated services digital network.

7. A computer file editing system according to Claim 1, wherein said interconnecting means comprises a plurality of modems, each having digital-to-analog conversion means and analog-to-digital conversion means and each electrically interconnected between one of said personal computers and an analog communications network, said analog communications network operable for transferring said data between at least two of said personal computers; and

wherein each of said modems includes data compression/decompression means for compressing said data to be transferred before said data is sent over the analog communications network and for decompressing said data when received from the analog communications network.

8. A computer file editing system according to Claim 1, further comprising:

a plurality of modems, each having digital-to-analog conversion means and analog-to-digital conversion means and each electrically interconnected between one of said personal computers and an analog communications network, said analog communications network operable for transferring said data between at least two of said personal computers; and

data compression/decompression means for compressing said data to be transferred before said data is sent over the analog communications network and for decompressing the data when received from the analog communications network.

9. A system for contemporaneously editing a file by any of a plurality of users, comprising:

a plurality of personal computers, one for each of the users, each of said personal computers including means for inputting file editing operations and means for displaying data [personal computer], at least one of said personal computers having means for coordinating the execution of file editing operations from the inputting means of any of said personal computers and the transfer of data corresponding with and limited to said file editing operations from said at least one of said personal computers to the remaining ones of said plurality of personal computers, one of said at least one of said personal computers being designated host computer; and

interconnecting means comprising a non-dedicated digital communications system for transferring said data digitally between said host computer and said remaining ones of said plurality of personal computers;

wherein, subject to practical system limitations, said file editing operations and said corresponding limited data transfer occur on a substantially real-time basis to permit said plurality of users at respective remote locations to review edits made to a file substantially contemporaneously with corresponding file editing operations.

10. A system for contemporaneously editing a file according to Claim 9, wherein the coordinating means is operatively interconnected with the inputting means and displaying means of

each of said remaining ones of said plurality of personal computers through said interconnecting means and comprises means for sequentially polling the input from each of the inputting means, means for executing any editing operation input by one of said users on a file, and means for sending said data from said host computer to all of the displaying means as the editing operation is input by said one of said users.

11. A system for contemporaneously editing a file according to Claim 10, further comprising:

a plurality of voice communication means, in one to one correspondence with said plurality of personal computers, for transmitting audio signals representative of any user's voice to each other user.

12. Cancelled.

13. A system for contemporaneously editing a file according to Claim 11, wherein said interconnecting means is a non-dedicated digital network which comprises said voice communication means and means for contemporaneously transferring said data between said host computer and said remaining ones of said plurality of personal computers and transmitting said audio signals among the users.

14. A system for contemporaneously editing a file according to Claim 10, wherein:

said interconnecting means comprises:

a plurality of converting means, each electrically interconnected with one of said personal computers, for converting

digital signals from each of said personal computers to analog signals and converting analog signals to digital signals, and

an analog communications network for electrically interconnecting the plurality of converting means and transferring said analog signals to and from the converting means, wherein

each of said personal computers further includes data compression/decompression means for compressing data to be transferred before said data is sent over the analog communications network and for decompressing said data when received from the analog communications network.

15. A system for contemporaneously editing a file according to Claim 10, wherein:

a first plurality of said personal computers are electrically interconnected in a first local area network and at least a second plurality of said personal computers are interconnected in at least a second local area network; and

said interconnecting means includes means for interconnecting said first local area network with said at least second local area network for allowing transfer of said data to and from the personal computers in said first and said at least second local area networks.

16. Cancelled.

17. A system for contemporaneously editing a file according to Claim 10, wherein the coordinating means includes means for excluding input from at least one selected inputting means from the sequential polling.

18. A method for contemporaneously editing a file from any of a plurality of personal computers situated at different remote locations, wherein at least one of said personal computers has multi-tasking capabilities and one of said at least one of said personal computers is designated as host computer, comprising the steps of:

electrically interconnecting the host computer with the remaining ones of said plurality of personal computers over a communications network;

inputting editing instructions which constitute edits to less than the entire file into one of said personal computers;

receiving, at the host computer, the editing instructions which have been input;

editing the file in accordance with the instructions; and

transferring data corresponding with the file editing instructions from the host computer to the remaining ones of said plurality of personal computers over the communications network;

wherein subject to practical system limitations, said editing step and said transferring step occur on a substantially real-time basis so as to permit said data to be reviewed at each personal computer in said different remote locations substantially contemporaneously with corresponding file editing operations.

19. A method for contemporaneously editing a file according to Claim 18 further comprising the step of establishing voice communications over a telephone network among users of each of the personal computers before inputting editing instructions.

20. A method for contemporaneously editing a file according to Claim 18, wherein the step of electrically interconnecting comprises electrically interconnecting the host computer with the remaining ones of said plurality of personal computers over a non-dedicated digital network.

21. A method for contemporaneously editing a file according to Claim 18, wherein the step of electrically interconnecting comprises electrically interconnecting the host computer with the remaining ones of said plurality of personal computers over a communications network including:

a plurality of converting means, each electrically interconnected with one of the personal computers for converting digital signals from said personal computers to analog signals and converting analog signals to digital signals; and

an analog communications network for interconnecting the plurality of converting means and transferring the analog signals to and from the converting means.

22. A method for contemporaneously editing a file according to Claim 19, wherein the step of establishing voice communications comprises establishing voice communications over the same network as said communications network wherein said communications network is capable of contemporaneous transmission of data and voice signals.

23. An interactive editing system for a plurality of users at different remote locations for permitting any of the users to orally provide file editing instructions comprising edits to less than an entire file, and pertaining to a file to be edited, and for permitting substantially contemporaneous viewing of the editing by all of the users, comprising:

voice communication means, in one-to-one correspondence with the users, for transmitting audio signals representative of any user's voice and said orally provided file editing instructions to each of the others of said plurality of users;

a personal computer, having multi-tasking processing means and a display, for use by one of the users to input and execute the editing instructions orally provided by the remaining ones of said plurality of users;

a plurality of remote terminals, one for use by each of the remaining ones of said plurality of users and each having a display; and

interconnecting means for electrically interconnecting said personal computer with each of said remote terminals and for transferring data corresponding with the file editing instructions, comprising edits to less than an entire file, between said personal computer and said remote terminals;

wherein, subject to practical system limitations, said file editing instruction execution and said corresponding data transfer occur on a substantially real-time basis to permit said plurality of users at said different remote locations to view edits made to

a file substantially contemporaneously with the execution of said file editing instructions.

24. Cancelled.

25. An interactive editing system according to Claim 23, wherein said interconnecting means is a non-dedicated digital communications system for transferring said data digitally between said personal computer and said remote terminals.

26. An interactive editing system according to Claim 23, wherein:

 said interconnecting means comprises a plurality of modems, one of said modems having digital-to-analog conversion means and analog-to-digital conversion means, said one of said modems electrically interconnected between said personal computer and an analog communications network and each of the remaining one of said plurality of modems containing analog-to-digital conversion means and electrically interconnected between a corresponding one of said remote terminals and said analog communications network, said analog communications network operable for transferring said data between said personal computer and said remote terminals, and

 said one of said modems includes data compression/decompression means for compressing said data to be transferred between said personal computer and said remote terminals before said data is sent over the analog communications network and for decompressing said data when received from the analog communications network and each of said remaining ones of said plurality of modems includes data decompression means for

decompressing said data when received from the analog communications network.

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1 (1966); Gillette Company v. S.C. Johnson & Company, 16 U.S.P.Q. 2d 1923 (Fed. Cir. 1990). The CCPA has stated that when evidence of commercial success is coupled with evidence of long-felt need, the case of non-obviousness becomes highly persuasive. In re Tiffin, 170 U.S.P.Q. 88 (CCPA 1971). In this case, the evidence provided supports Applicant's contention that there was a long-felt need for the present invention and that the invention has been a commercial success. In this regard, it is appropriate to provide such evidence in relation to third-party products covered by the claimed invention. See e.g., Rexnoard, Inc. v. Laitram Corp. 6 U.S.P.Q. 2d 1817 (E.D. Wis. 1988) ("Where the accused products infringe, in accordance with this Court's findings hereinafter set forth, the commercial success of the accused Rexnoard products provides objective evidence of the non-obviousness of the ... [patented invention]" at 1823). Syntex, Inc. v. Paragon Optical, Inc., 7, U.S.P.Q. 2d 1001 (D. Ariz. 1987) ("Commercial success of an invention is measured by the sales of the infringers as well as the sales [of the Plaintiffs]... .", at 1005).

The following are selected quotes from the above-noted articles regarding the Aspects product embodying the present invention:

"[T]he program is designed to fill gaps left by electronic mail and video conferencing. In what amounts to a conference call over a computer, it allows participants to work together simultaneously on

the same document. Each person can change or add material ... while seeing what the others are doing. ... The goal of this kind of software is to make it possible for widely dispersed people to participate jointly on a common problem." The New York Times, June 23, 1991.

* * *

"Aspects allow users to send and receive messages, talk on the phone and type onto the same document. That's ideal for brainstorming sessions involving colleagues as distant as the next building or the next country." USA Today, October 21, 1991.

* * *

"This is the first time I have heard of simultaneous editing on any kind of computer." (emphasis added) INFOWORLD, August 6, 1990, p. 98.

* * *

"But what seems to have really pushed groupware into maturity is the release of ... Aspects 1.0 ... It's also the first true group work product. Aspects came on the scene when it looked as though groupware was going nowhere fast." MacUser, June 1991, pp. 207-211.

The patentability of the present invention is reflected by the foregoing secondary consideration evidence.

In addition to the reasons set forth above, the pending claims are further allowable since they require additional limitations which yield further unobvious combinations. For example, Claims 2, 4, 13, 19, 22 and 23 include the additional limitation of the provision of at least two voice communication means for transmitting audio signals representative of a user's voice to other users. Applicant submits that the inclusion of such added limitation would not be obvious apart from the invention as claimed above, since the provision and utilization of such voice communication means in the system would be of little value absent the ability of the corresponding users to review edits substantially contemporaneously with the inputs thereof. That is, absent such substantially contemporaneous review, the users would not be able to discuss via the voice communication means edits which have been made on a substantially real-time basis. Such discussion provides a valuable "brainstorming" tool and file control mechanism. That is, users can discuss the pros/cons of edits made or contemplated and thereby collaboratively edit and maintain the integrity of the file. In short, substantially contemporaneous editing/review and discussion optimizes the collective cognitive abilities of the group of users, as well as file control. Swank's failure to teach voice communication means, as admitted by the Examiner, is illustrative of the prior art's failure to recognize or even suggest the claimed invention.

As to Claims 3-6, and often claims corresponding therewith, Applicant acknowledges the Examiner's admission that Swank fails to disclose specific limitations set forth therein, but disagrees with the Examiner's conclusion that Swank's disclosure of communication adaptors "anticipates" the use of such limitations. Applicant further disagrees with the Examiner's assertion that such claims represent a number of alternatives that should be construed to be equivalents and that this somehow renders the combinations obvious. Applicant is aware of nothing in the present application or applicable body of law that would support the Examiner's position.

As to Claims 7 and 8, and claims corresponding therewith, Applicant again acknowledges the Examiner's admission that Swank fails to teach the use of the content thereof, but disagrees that the inclusion of the same would be obvious merely because such limitations, taken singularly, could be found in the prior art to the present invention. As noted above, and with reference to all of the combinations stipulated by the pending dependent claims, is not enough for the Examiner to believe that all of the claimed elements are found. Rather, there must be some reason or suggestion or incentive in the prior art references to support the claimed combination. Inteconnect Planning Corp., at 551.

In view of the foregoing, Applicant submits that all pending claims are allowable over the art and such favorable disposition is earnestly solicited. The outstanding drawing

objection will be attended to upon indication of the allowability of the pending claims. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned attorney by collect phone call.

Respectfully submitted,

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